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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,450

07/07/2006

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EXAMINER

GISSEL, GUNNAR J

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01/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,450	Applicant(s) AKATSUKA ET AL.	
	Examiner Gunnar J. Gissel	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 2,5 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/10/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (6,178,806) in view of Fujita (2003/0150254).

Regarding Claims 1, 3 and 4, Watanabe discloses a method of producing a gas sensor having a sensor element extending in an axial direction and having a front end side to face a measured gas (Watanabe, figure 1, side 31), a metallic housing holding therein the sensor element (Watanabe, metallic housing 31), a tubular metallic member provided to a rear end side of the metallic housing (Watanabe, tubular metallic member 12, 13), at least one lead wire extending from an inside to an outside of the tubular metallic member and having a conductor wire electrically connected to the sensor element and an insulating film covering the conductor wire, and an elastic seal member having a lead wire insertion hole into which the lead wire is inserted (Watanabe, lead wire 16, 18, 19), and that there is a crimping step (Watanabe, column 11, lines 45-51), but Watanabe does not explicitly disclose the elastic seal member having the exact shape of applicant's claim.

Fujita discloses the method comprising: a disposition step of preparing the elastic seal member having a main body portion and a smaller diameter portion smaller in outer

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diameter than the main body portion, disposing the entire main body portion and a part of the smaller diameter portion inside the tubular metallic member and allowing a remaining part of the smaller diameter portion to protrude outward from a rear end of the tubular metallic member (Fujita, elastic seal member 11); and a crimping step of crimping at least a portion of the tubular metallic member radially inward and thereby compressively deforming the elastic seal member (Fujita, paragraph 46). Fujita also discloses the smaller diameter portion of the elastic seal member before compressive deformation has a nearly cylindrical section and a connecting section connecting between the cylindrical section and the main body portion and increasing in outer diameter gradually toward the main body portion (Fujita, figure 2). Fujita further discloses the outer circumferential surface of the smaller diameter portion of the elastic seal member before compressive deformation tapers toward a rear end side (Fujita, figure 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Watanabe with teachings from Fujita because Fujita's seal member allows for impermeability to water and oil, as well as preventing the accumulation of dust on the filter (Fujita, paragraph 5).

Regarding Claim 6, Watanabe discloses a method of producing a gas sensor having a sensor element extending in an axial direction and having a front end side to face a measured gas (Watanabe, figure 1, side 31), a metallic housing and holding therein the sensor element, a tubular metallic member provided to a rear end side of the metallic housing (Watanabe, metallic housing 31), at least one lead wire extending from

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an inside to an outside of the tubular metallic member and having a conductor wire electrically connected to the sensor element and an insulating film covering the conductor wire (Watanabe, lead wire 16, 18, 19), and an elastic seal member having a lead wire insertion hole into which the lead wire is inserted, the method characterized by comprising (Watanabe, elastic seal member 2): a disposition step of disposing the elastic seal member inside the tubular metallic; and a crimping step of crimping at least a portion of the tubular metallic member radially inward and thereby compressively deforming the elastic seal member (Watanabe, column 1, lines 45-51)(Fujita, paragraph 46); wherein the crimping step is performed under a condition where a space between the rear end of the tubular metallic member and the outer circumferential surface of the elastic seal member corresponding in position to the rear end of the tubular metallic member is larger than a space between an inner circumferential surface of a portion to be crimped of the tubular metallic member and the outer circumferential surface of the elastic seal member corresponding in position to the portion to be crimped of the tubular metallic member (Watanabe, figure 1).

Watanabe does not explicitly disclose that the elastic seal member protrudes outward from a rear end of the tubular metallic member.

Fujita discloses that, after crimping, the elastic seal member protrudes outward from a rear end of the tubular metallic member (elastic seal member 11).

It would have been obvious to one of ordinary skill in the art that applying Fujita's known technique of crimping a seal to Watanabe's sensor plug would yield predictable results.

Regarding Claim 7, Watanabe discloses a gas sensor comprising: a sensor element extending in an axial direction and having a front end side to face a measured gas (Watanabe, figure 1, side 31); a metallic housing holding therein the sensor element (Watanabe, metallic housing 31); a tubular metallic member provided to a rear end side of the metallic housing (Watanabe, figure 1); at least one lead wire extending from an inside to an outside of the tubular metallic member and having a conductor wire electrically connected to the sensor element and an insulating film covering the conductor wire (Watanabe, lead wire 16, 18, 19); and an elastic seal member having a lead wire insertion hole into which the lead wire is inserted, wherein a space is provided between the rear end of the tubular metallic member and the outer circumferential surface of the elastic seal member (Watanabe, elastic seal member 2).

Watanabe does not explicitly disclose that a portion of the elastic seal member protrudes outward from the rear end of the tubular metallic member.

Fujita discloses that, after crimping, the elastic seal member protrudes outward from a rear end of the tubular metallic member (elastic seal member 11).

It would have been obvious to one of ordinary skill in the art that applying Fujita's known technique of crimping a seal to Watanabe's sensor plug would yield predictable results.

Regarding Claims 8 and 9, Watanabe discloses a gas sensor, but does not explicitly disclose that the elastic seal member has a space provided between the rear end of the tubular metallic member and the smaller diameter portion or that the tubular

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member includes a fixing portion having a space between the larger diameter portion and the elastic seal member.

Fujita discloses the elastic seal member includes a main body portion disposed inside the tubular metallic member and a smaller diameter portion disposed at the more rear end side than the main body portion and smaller in outer diameter than the main body portion, and the space is provided between the rear end of the tubular metallic member and the smaller diameter portion (Fujita, Figure 2) and, the tubular metallic member includes a fixing portion that fixes the elastic seal member to an inside thereof and a larger diameter portion disposed at the more rear end side than the fixing portion and larger in inner diameter than the fixing portion, and the space is formed between the larger diameter portion and the elastic seal member (Fujita, figure 6).

It would have been obvious to one of ordinary skill to combine Watanabe with teachings from Fujita because Fujita's refinement prevents the destruction of the seal at the hands of high pressure water or stones (Fujita, paragraph 10).

Allowable Subject Matter

3. Claims 2, 5 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

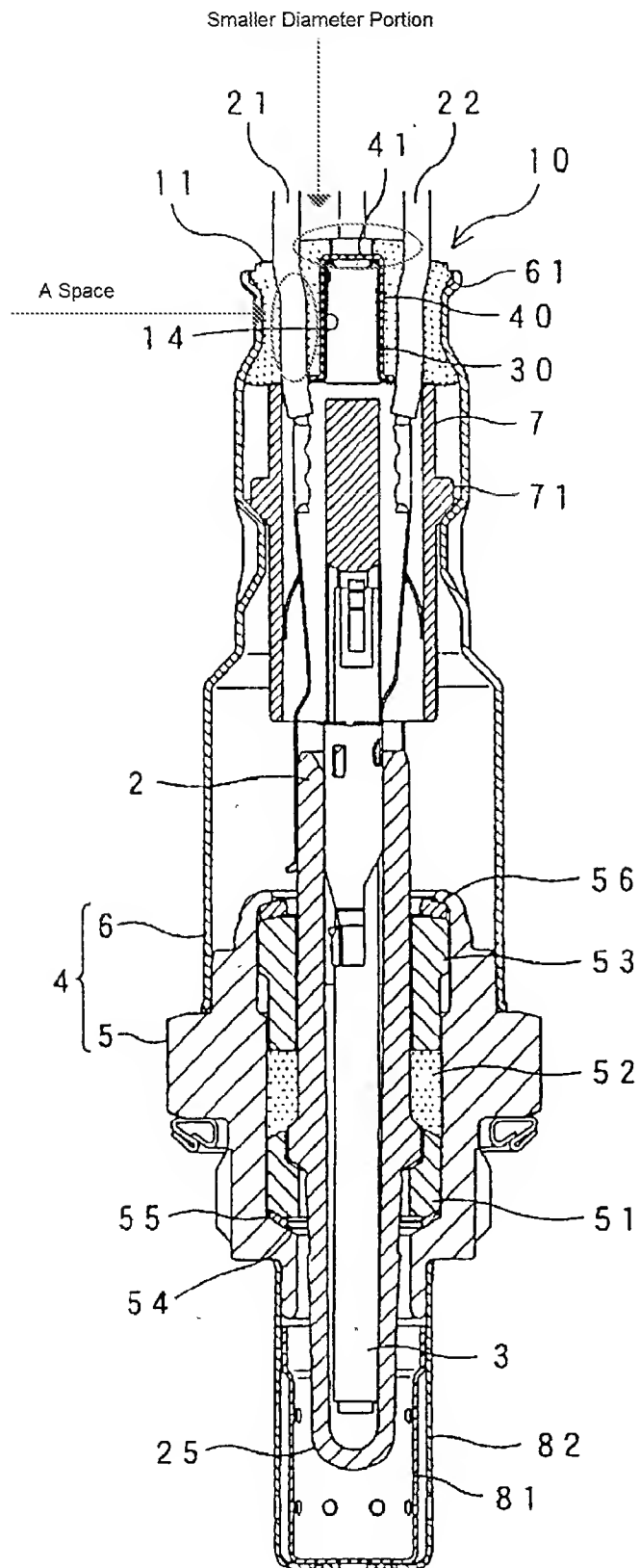
Response to Arguments

4. Applicant's arguments filed 11/05/2008 have been fully considered but they are not persuasive. Regarding Claims 1, 3, 4 and 8, 9, Applicant argues that the elastic seal member is disposed such that a smaller diameter portion protrudes and such that

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the elastic seal member is disposed astride the rear end of the outer tubular member, while at the same time a space is formed between the smaller diameter portion of the elastic seal member and the rear end of the tubular metallic member. Fujita depicts an arrangement that can be so described, shown below.

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6. The examiner points out that in claim 1, Applicant only claims “A disposition step of preparing the elastic seal member having a main body portion and a smaller diameter portion smaller in outer diameter than the outer diameter of the main body portion (...) and allowing a remaining part of the smaller diameter portion to protrude outward from a rear end of the tubular metallic member,” which does not include a space formed between the smaller diameter portion of the elastic seal member and the rear end of the tubular metallic member.

7. Applicant argues that protruding portion 13 of Fujita is the whole of the smaller diameter portion and that Fujita's 13 is not disposed partly inside the tubular metallic member. The examiner believes that the smaller inner diameter portion of Fujita is composed of the elastic seal between wires 21 and 22, which is disposed both inside and outside the tubular metallic member. Furthermore, in claims 6 and 7 Applicant merely claims that “a portion of the elastic seal member protrudes outward from a rear end of the tubular metallic member.” Fujita's elastic seal member is clearly disposed partly in the rear end of the tubular metallic member such that a portion protrudes.

8. Figure 2 of Fujita only shows the elastic seal member in an uninstalled state, which is not directly relevant to determining whether or not it will protect wires from sharp bending. Figures 1 and 6 appear to illustrate an installed seal member that would protect wires from sharp bending. Furthermore, Applicant does not claim that the seal member is installed such that wires bent sharply outward for connection are prevented from contacting the tubular metallic member by the elastic seal member.

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9. Applicant's arguments with respect to claims 6 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunnar J. Gissel whose telephone number is (571)274-3411. The examiner can normally be reached on Mon-Fri, 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571)272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GJG/

1/22/2009

/Hezron Williams/

Supervisory Patent Examiner, Art Unit 2856